

F R A N C H I S E

DECLARATORY RESOLUTION
NO. 724 - 1940

RESOLUTION OF THE BOARD OF PUBLIC
WORKS OF THE CITY OF FORT WAYNE,
INDIANA, FIXING THE FORM OF CON-
TRACT WITH THE AMERICAN TELEPHONE
AND TELEGRAPH COMPANY OF INDIANA
GIVING SAID CORPORATION THE RIGHT
TO LOCATE WIRES, CONDUITS, MAN-
HOLES, CABLES, ELECTRICAL CONDUCT-
ORS AND OTHER APPLIANCES AND
APPURTENANCES ALONG, ACROSS AND
UNDER THE PUBLIC ROADS, STREETS,
HIGHWAYS AND OTHER PUBLIC WAYS OF
THE CITY OF FORT WAYNE, INDIANA.

ADOPTED: Thurs. June 27, 1940,
7:30 P.M.

NOTING PAYERS: June 29th-July 6th
1940

HEARING: Thurs. July 18, 1940,
7:30 P.M.

CONFORMATORY RESOLUTION ADOPTED:
Thurs. July 18, 1940, 7:30 P.M.

ORDERED SENT TO COUNCIL:
Tues. July 23, 1940, 8:00 P.M.

General Ordinance No.

CONFIRMATORY RESOLUTION NO. 724

WHEREAS, the Board of Public Works of the City of Fort Wayne, Allen County, Indiana, at a meeting of said Board of Public Works, did determine the exact form in which a contract to and with the AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF INDIANA giving said Corporation, its successors and assigns, the right to locate wires, conduits, manholes, cable, electrical conductors and other appliances and appurtenances along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, was to be finally adopted and fixed the 18th day of July, 1940, at the hour of 7:30 o'clock P. M., at the regular meeting place of said Board of Public Works in the City Hall in said City, as the time and place at which said contract was to be finally considered by said Board of Public Works; and,

WHEREAS, proof of publication of the full and complete text of said proposed contract, in the Fort Wayne News-Sentinel and the Fort Wayne Journal-Gazette, respectively, on the 29th day of June, 1940 and the 6th day of July, 1940, being two daily newspapers of general circulation printed in the English language in said Allen County, Indiana, and proof of the posting of notice of the full and complete text of said proposed contract in ten public places within the said City of Fort Wayne, on the 1st day of July, 1940, has been duly made, and all of the terms and provisions of the statutes of the State of Indiana have been fully complied with; and,

WHEREAS, at this meeting of the Board of Public Works of the City of Fort Wayne, held on the 18th day of July, 1940, commencing at the hour of 7:30 o'clock P. M., a public hearing was had on said contract, and the protests, remonstrances and arguments of all taxpayers of said City and their attorneys who appeared and made and filed protests against any or all of the provisions of said contract were duly heard and fully considered, and after considerations thereof were overruled, and it

is now, on motion made and seconded:

RESOLVED, that the Board of Public Works of the City of Fort Wayne, Indiana, now enter into, make and execute the said contract to and with the American Telephone and Telegraph Company of Indiana in the manner and form proposed by this Board of Public Works at its meeting on the 27th day of June, 1940, as it appears in the records of said meeting.

ADOPTED this 18 day of July, 1940.

Robert H. Brown

David Lewis

J. H. Johnson

BOARD OF PUBLIC WORKS of
the
CITY OF FORT WAYNE, INDIANA

ATTEST:

Charles F. Hess
CLERK

PROOF OF PUBLICATION

STATE OF INDIANA)
) SS
COUNTY OF ALLEN

Frank L. Wiley, being first duly sworn, on oath deposes and says that he is the duly authorized agent of the AMERICAN TELEPHONE AND TELEGRAPH COMPANY, of Indiana, an Indiana Corporation and that on behalf of said corporation, he caused a full and complete text of the contract between the Board of Public Works of the City of Fort Wayne, in Allen County, Indiana, and the American Telephone and Telegraph Company, together with the notice of public hearing thereon, to be published in the Fort Wayne News-Sentinel and the Fort Wayne Journal-Gazette, respectively, on the 29th day of June, 1940, and the 6th day of July, 1940, the same being two daily newspapers of general circulation printed in the English language in Allen County, Indiana, and being indicated by the said Board of Public Works; that attached hereto, marked Exhibit "A", and Exhibit "B", respectively, are affidavits of the publishers of said newspapers, showing proof of publication in said newspapers, together with copies of the notice so published; that on the 1st day of July, 1940, he also did cause to be posted, affidavit of which posting is attached hereto, copies of such contract, together with the notice of a public hearing thereon, in ten public places in said city; and that attached hereto marked Exhibit "C" is a copy of the notice posted as aforesaid in ten public places in said city and on the back thereof are listed the places where said notice was posted.

Frank L. Wiley

Subscribed and sworn to before me this 10th day of July, 1940.

Helen Sheets
Notary Public

My commission expires My commission expires Feb. 11, 1941.

I, Keith E. Lakey, being first duly sworn, on oath deposes and says that he, acting on the orders of Frank L. Wiley, the duly authorized agent of the American Telephone and Telegraph Company of Indiana, an Indiana Corporation, did on the 1st day of July, 1940, post a copy of the contract between the Board of Public Works of the City of Fort Wayne, Indiana and the aforesaid company, together with the notice of public hearing thereon in ten public places in said City of Fort Wayne, Indiana, which locations are listed on Exhibit "C".

Keith E. Lakey

Subscribed and sworn to before me this 5 day of July, 1940

Wesley Sheets
Notary Public

My commission expires My commission expires Feb. 11, 1941

PROOF OF PUBLICATION

STATE OF INDIANA, ALLEN COUNTY, SS.

In the City of Fort Wayne, July 11th A. D. 1940

NOTICE TO TAXPAYERS.

Public Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Allen County, Indiana, desiring to enter into a contract with the American Telephone and Telegraph Company of Indiana giving to said Corporation, its successors and assigns, the right to locate wires, conduits, manhole, cable, electrical conductors and other appliances and appurtenances along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, has determined at a meeting of said Board of Public Works held on the 27th day of June, 1940, upon the exact form on which proposed contract will be considered and adopted and has fixed a time and place for public hearing on the provisions thereof and any protest filed against the same or any provision thereof. The form of said proposed contract, together with the time and place of meeting thereon, is as follows, to-wit:

Contract.

This Agreement, Made and entered into this _____ day of _____, 1940, by and between the City of Fort Wayne, Indiana, by and through its Board of Public Works, party of the first part, and American Telephone and Telegraph Company of Indiana, a corporation of the State of Indiana, party of the second part.

Whereas, It is the desire of the party of the second part to construct and place under ground wires, cables and conduits in the streets, alleys, highways and other public property of the City of Fort Wayne, Indiana.

Now, Therefore, This Agreement Witnesseth:

1. That consent, permission and authority be and they are hereby granted unto American Telephone and Telegraph Company of Indiana, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, including such wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances as may be from time to time necessary for the convenient transaction of the business of said company. Further authority is hereby granted unto said company, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, under and across a parcel of land belonging to the City of Fort Wayne, Indiana, lying and being adjacent to the north side of the St. Mary's River and Spy Run Avenue for a distance of approximately 125 feet.

2. It is understood and agreed by and between the parties hereto that all locations of wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances must first receive the approval of the Board of Public Works of the City of Fort Wayne before work and installation is begun.

3. Said American Telephone and Telegraph Company of Indiana may exercise the rights herein granted by acquiring, occupying or using the conduits of any other company; and may permit any its conduits upon the terms and conditions, not inconsistent with the provisions of this agreement to be agreed upon by said companies.

4. All conduits, manholes, appliances and appurtenances shall be constructed under the direction and supervision of the City Engineer, and all streets, sidewalks and property owned by the City that may be disturbed or damaged in the construction of the said lines shall be promptly replaced and repaired by said company at its expense.

Personally appeared before the undersigned, M. L. Branning, who, being duly sworn according to law, saith that she is the Secretary-Treasurer of

The Fort Wayne News-Sentinel,

a Daily Newspaper of general circulation, printed and published in said County and State, and that the notice herewith attached was published in the said Fort Wayne

News-Sentinel in the daily edition for two times,

the first publication being on the 29th

day of June, 1940; the second on

the 6th day of July, 1940

and the third on the _____ day of _____

19____; and the fourth on

the _____ day of _____, 19____.

Subscribed and Sworn To before me, this

11th day of July, 1940

Joye L. Laudeman

Notary Public.

My Commission expires March 7, 1944

PROOF OF PUBLICATION

STATE OF INDIANA, ALLEN COUNTY, SS.

In the City of Fort Wayne, July 11th A. D. 1940

NOTICE TO TAXPAYERS.
Public Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Allen County, Indiana, desiring to enter into a contract with the American Telephone and Telegraph Company of Indiana giving to said Corporation, its successors and assigns, the right to locate wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, has determined at a meeting of said Board of Public Works held on the 27th day of June, 1940, upon the exact form on which proposed contract will be considered and adopted and has fixed a time and place for public hearing on the provisions thereof and any protest filed against same or any provision thereof. The form of said proposed contract, together with the time and place of meeting thereon, is as follows, to-wit:

Contract.
This Agreement, Made and entered into this day of 1940, by and between the City of Fort Wayne, Indiana, by and through its Board of Public Works, party of the first part, and American Telephone and Telegraph Company of Indiana, a corporation of the State of Indiana, party of the second part.

Whereas, It is the desire of the party of the second part to construct and place under ground wires, cables and conduits in the streets, alleys, highways and other public property of the City of Fort Wayne, Indiana,

Now, Therefore, This Agreement Witnesseth:

1. That consent, permission and authority be and they are hereby granted unto American Telephone and Telegraph Company of Indiana, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, including such wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances as may be from time to time necessary for the convenient transaction of its business of said company. Further authority is hereby granted unto said company, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, under and across a parcel of land belonging to the City of Fort Wayne, Indiana, lying and being adjacent to the north side of the St. Mary's River and Spy Run Avenue for a distance of approximately 125 feet.

2. It is understood and agreed by and between the parties hereto that all location of wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances must first receive the approval of the Board of Public Works of the City of Fort Wayne before work and installation is begun.

3. Said American Telephone and Telegraph Company of Indiana may exercise the rights herein granted by acquiring, occupying or using the conduits of any other company, and may permit any other company to acquire, occupy or use its conduits upon the terms and conditions, not inconsistent with the provisions of this agreement to be agreed upon by said companies.

4. All conduits, manholes, appliances and appurtenances shall be constructed under the direction and supervision of the City Engineer, and all streets, sidewalks and property owned by the City that may be disturbed or damaged in the construction of the said lines shall be promptly replaced and repaired by the said company at its own expense and to the satisfaction of the said City Engineer.

5. Said company shall be subject to all ordinances now in force or that may hereafter be passed relative to the public use of the streets, highways and other public ways of the said City of Fort Wayne, Indiana.

6. It is understood and agreed by and between the parties hereto that the said City of Fort Wayne shall have, free of cost, the use of sufficient space in one duct in any and all conduit or conduits, constructed or installed in the City of Fort Wayne by virtue of this agreement between the parties hereto, for the use of the fire alarm and police wires of the said City of Fort Wayne, Indiana.

7. It is further understood and agreed that the said company shall promptly, upon notice, relocate its wires, cables, conduits, appliances and appurtenances which may hereafter be constructed along, across and under the property owned by the said City of Fort Wayne adjacent to the St. Mary's River and Spy Run Avenue in the event such telephone property interferes with any plans which the said City of Fort Wayne has for its above described property.

8. Said company shall hold said City of Fort Wayne free and harmless from all damages, or claims for damages arising by reason of the construction or negligent maintenance of said telephone and telegraph property.

9. Plans showing in detail the location of all conduits, manholes and cables constructed by virtue of this agreement shall be promptly filed with the City Engineer, and the Board of Public Works of the City of Fort Wayne.

In Witness Whereof, the undersigned members of the Board of Public Works of the City of Fort Wayne, Indiana, on behalf of said City have hereunto set their hands and seals, and the said American Telephone and Telegraph Company of Indiana has caused this instrument to be signed under its corporate name by its Vice-President and its corporate seal to be affixed thereto duly attested by its Assistant Secretary on the day and year first above written.

CITY OF FORT WAYNE, INDIANA.

By: _____

Board of Public Works.

Attest: _____

Secretary of Board of Works.

Approved as to form and legality.

By: _____

AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF INDIANA.

By: _____

Vice-President.

City Attorney.

Attest: _____

Assistant Secretary.

Public Notice is further given that said Board of Public Works did also fix the time at which said contract shall be finally considered as the 15th day of July, 1940, at the hour of 7:30 o'clock p.m. C.D.S.T. at the regular meeting place of said Board of Public Works in the City Hall, in said City of Fort Wayne, Indiana, at which time and place a public hearing will be held and at which any taxpayer may appear and file protest against any and all of the provisions of said contract.

ROBERT C. BEAMS.

DAVID LEWIS.

JOHN H. JOHNSON.

Board of Public Works.

City of Fort Wayne, Indiana.

Attest: Chas. F. Hess, Secretary.

Personally appeared before the undersigned, M. L. Branning, who, being duly sworn according to law, saith that she is the Secretary-Treasurer of

The Fort Wayne News-Sentinel,

a Daily Newspaper of general circulation, printed and published in said County and State, and that the notice herewith attached was published in the said Fort Wayne

News-Sentinel in the daily edition for two times,

the first publication being on the 29th day of

June 1940; the second on

the 6th day of July 1940

and the third on the day of

..... 19.....; and the fourth on

the day of 19.....

Subscribed and Sworn To before me, this

..... 11th day of July 1940

Notary Public.

My Commission expires March 7, 1944

PROOF OF PUBLICATION

STATE OF INDIANA, ALLEN COUNTY, SS.

In the City of Fort Wayne, _____ A. D. 19. ____

NOTICE TO TAXPAYERS

Public notice is hereby given by the Board of Public Works of the City of Fort Wayne, Allen County, Indiana, desiring to enter into a contract with the American Telephone and Telegraph Company of Indiana giving to said Corporation, its successors and assigns, the right to locate wires, conduits, manholes, cable, electrical conductors and other appliances and appurtenances along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, has determined at a meeting of said Board of Public Works held on the 27th day of June, 1940, upon the exact form on which proposed contract will be considered and adopted and has fixed a time and place for public hearing on the provisions thereof and any protest filed against the same or any provision thereof. The form of said proposed contract, together with the time and place of meeting thereon, is as follows, to-wit:

CONTRACT

THIS AGREEMENT Made and entered into this ____ day of _____ 1940, by and between the CITY OF FORT WAYNE, INDIANA, by and through its BOARD OF PUBLIC WORKS, party of the first part, and AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF INDIANA, a corporation of the State of Indiana, party of the second part.

WHEREAS, it is the desire of the party of the second part to construct and place underground wires, cables and conduits in the streets, alleys, highways and other public property of the City of Fort Wayne, Indiana.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

1. That consent, permission and authority be and they are hereby granted unto American Telephone and Telegraph Company of Indiana, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, including such wires, conduits, manholes, cable, electrical conductors and other appliances and appurtenances as may be from time to time necessary for the convenient transaction of the business of said company. Further authority is hereby granted unto said company, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, under and across a parcel of land belonging to the City of Fort Wayne, Indiana, lying and being adjacent to the north side of the St. Marys River and Spy Run Avenue for a distance of approximately 125 feet.

2. It is understood and agreed by and between the parties hereto that all location of wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances must first receive the approval of the Board of Public Works of the City of Fort Wayne before work and installation is begun.

3. Said American Telephone and Telegraph Company of Indiana may exercise the rights herein granted by acquiring, occupying or using the conduits of any other company; and may permit any other company to acquire, occupy or use its conduits upon the terms and conditions, not inconsistent with the provisions of this agreement to be agreed upon by said companies.

4. All conduits, manholes, appliances and appurtenances shall be constructed under the direction and supervision of the City Engineer, and all streets, sidewalks and property owned by the City that may be disturbed or damaged in the construction of the said lines shall be promptly replaced and repaired by said company at its own

Personally appeared before the undersigned

A. F. SCHERER

who being duly sworn according to law, says that he is the **SECRETARY** of the

Fort Wayne Journal-Gazette

a Daily Newspaper of general circulation printed and published in said County and State; and that the notice herewith attached was published in the said Fort Wayne Journal-Gazette _____

2 times successively, the first publication being on the 29 day of June 1940; the second on the 6 day of July 1940; the third on the _____ day of _____ 19. ____; the fourth on the _____ day of _____ 19. ____;

A. F. Scherer

SUBSCRIBED AND SWORN to before me this

6 day of July 1940

Elizabeth C. V. Larkewander

Notary Public, Allen County.

My commission expires May 18, 1941

"B"

PROOF OF PUBLICATION

STATE OF INDIANA, ALLEN COUNTY, SS.

In the City of Fort Wayne,

A. D. 19.

Personally appeared before the undersigned

A. F. SCHERER

who being duly sworn according to law, says that he is the SECRETARY of the

Fort Wayne Journal-Gazette a Daily Newspaper of general circulation printed and published in said County and State; and that the notice herewith attached was published in the said Fort Wayne Journal-Gazette

times successively, the first publication being on the 29 day of June 1940; the second on the 6 day of July 1940; the third on the day of 19. ; the fourth on the day of 19. ;

SUBSCRIBED AND SWORN to before me this

6 day of July 1940
Elizabeth C. Warkentin
Notary Public, Allen County.

My commission expires May 18, 1941

NOTICE TO TAXPAYERS

Public notice is hereby given by the Board of Public Works of the City of Fort Wayne, Allen County, Indiana, desiring to enter into a contract with the American Telephone and Telegraph Company of Indiana, its successors and assigns, to locate wires, conduits, manholes, cable, electrical conductors and other appliances and appurtenances along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, has determined at a meeting of said Board of Public Works held on the 27th day of June, 1940, upon the exact form on which proposed contract will be considered and adopted and has fixed a time and place for public hearing on the provisions thereof and any protest filed against the same or any provision thereof. The form of said proposed contract, together with the time and place of meeting thereon, is as follows, to-wit:

CONTRACT
THIS AGREEMENT Made and entered into this day of 1940, by and between the CITY OF FORT WAYNE, INDIANA, by and through its BOARD OF PUBLIC WORKS, of the first part, and AMERICAN TELEPHONE and TELEGRAPH COMPANY OF INDIANA, a corporation of the State of Indiana, of the second part.

WHEREAS, it is the desire of the parties of the second part to construct and place underground wires, cable and conduits in the streets, alleys, highways and other public property of the City of Fort Wayne, Indiana

NOW, THEREFORE, THIS AGREEMENT WITNESSETH

1. That consent, permission and authority be and they are hereby granted unto American Telephone and Telegraph Company of Indiana, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, including such wires, conduits, manholes, cable, electrical conductors and other appliances and appurtenances as may be from time to time necessary for the convenient transaction of the business of said company. Further authority is hereby granted unto said company, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, under and across a parcel of land belonging to the City of Fort Wayne, Indiana, lying and being adjacent to the north side of the St. Marys River and Spy Run Avenue for a distance of approximately 125 feet.

2. It is understood and agreed by and between the parties hereto that all location of wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances must first receive the approval of the Board of Public Works of the City of Fort Wayne before work and installation is begun.

3. Said American Telephone and Telegraph Company of Indiana may exercise the rights herein granted by acquiring, occupying or using the conduits of any other company; and may permit any other company to acquire, occupy or use its conduits upon the terms and conditions, not inconsistent with the provisions of this agreement to be agreed upon by said companies.

4. All conduits, manholes, appliances and appurtenances shall be constructed under the direction and supervision of the City Engineer, and all streets, sidewalks and property owned by the City that may be disturbed or damaged in the construction of the said lines shall be promptly repaired and repaired by said company at its own expense and to the satisfaction of the said City Engineer.

5. Said company shall be subject to all ordinances now in force, or that may hereafter be passed relative to the public use of the streets, highways and other public ways of the said City of Fort Wayne, Indiana.

6. It is understood and agreed by and between the parties hereto that the said City of Fort Wayne shall have, free of cost, the use of sufficient space in one duct in any and all conduit or conduits, constructed or installed in the City of Fort Wayne by virtue of this agreement between the parties hereto, for the use of the fire alarm and police wires of the said City of Fort Wayne, Indiana.

7. It is further understood and agreed that the said company shall promptly upon notice, re-locate its wires, cable, conduits, appliances and appurtenances which may hereafter be constructed along, across and under the property owned by the said City of Fort Wayne adjacent to the St. Marys River and Spy Run Avenue in the event such telephone property interferes with any plans which the said City of Fort Wayne has for its above described property.

8. Said company shall hold said City of Fort Wayne free and harmless from all damages, or claims for damages arising by reason of its construction or negligent maintenance of said telephone and telegraph property.

9. Plans showing in detail the location of all conduits, manholes and cables constructed by virtue of this agreement shall be promptly filed with the City Engineer, and the Board of Public Works of the City of Fort Wayne.

IN WITNESS WHEREOF, the undersigned members of the Board of Public Works of the City of Fort Wayne, Indiana, on behalf of said City have hereunto set their hands and seals, and the said American Telephone and Telegraph Company of Indiana has caused this instrument to be signed under its corporate name by its Vice-President and its corporate seal to be affixed thereto duly attested by its Assistant Secretary on the day and year first above written.

CITY OF FORT WAYNE, INDIANA

By

Board of Public Works.

Attest:

Secretary of Board of Public Works.

AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF INDIANA

By

Vice-President.

Approved as to form and legality

City Attorney.

Attest:

Assistant Secretary.

Public notice is further given that said Board of Public Works did also fix the time at which said contract shall be finally considered as the 12th day of July, 1940 at the hour of 2:30 o'clock P. M. CDST at the regular meeting place of said Board of Public Works in the City Hall, in said City of Fort Wayne, Indiana at which time and place a public hearing may be had and at which any taxpayer may appear and file protest against any and all of the provisions of said contract.

ROBERT G. BEAMA.

DAVID LEVINE

JOHN R. JOHNSON

Board of Public Works City of Fort Wayne, Indiana

Attest: Chas. F. Hess, Secretary.

June 23, July 6, 1940

NOTICE TO TAXPAYERS.

Public Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Allen County, Indiana, desiring to enter into a contract with the American Telephone and Telegraph Company of Indiana giving to said Corporation, its successors and assigns, the right to locate wires, conduits, manhole, cable, electrical conductors and other appliances and appurtenances along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, has determined at a meeting of said Board of Public Works held on the 27th day of June, 1940, upon the exact form on which proposed contract will be considered and adopted and has fixed a time and place for public hearing on the provisions thereof and any protest filed against the same or any provision thereof. The form of said proposed contract, together with the time and place of meeting thereon, is as follows, to-wit:

Contract.

This Agreement, Made and entered into this _____ day of _____, 1940, by and between the City of Fort Wayne, Indiana, by and through its Board of Public Works, party of the first part, and American Telephone and Telegraph Company of Indiana, a corporation of the State of Indiana, party of the second part.

Whereas, It is the desire of the party of the second part to construct and place under ground wires, cables and conduits in the streets, alleys, highways and other public property of the City of Fort Wayne, Indiana.

Now, Therefore, This Agreement Witnesseth:

1. That consent, permission and authority be and they are hereby granted unto American Telephone and Telegraph Company of Indiana, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, including such wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances as may be from time to time necessary for the convenient transaction of the business of said company. Further authority is hereby granted unto said company, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, under and across a parcel of land belonging to the City of Fort Wayne, Indiana, lying and being adjacent to the north side of the St. Mary's River and Spy Run Avenue for a distance of approximately 125 feet.

2. It is understood and agreed by and between the parties hereto that all locations of wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances must first receive the approval of the Board of Public Works of the City of Fort Wayne before work and installation is begun.

3. Said American Telephone and Telegraph Company of Indiana may exercise the rights herein granted by acquiring, occupying or using the conduits of any other company; and may permit any other company to acquire, occupy or use its conduits upon the terms and conditions, not inconsistent with the provisions of this agreement to be agreed upon by said companies.

4. All conduits, manholes, appliances and appurtenances shall be constructed under the direction and supervision of the City Engineer, and all streets, sidewalks and property owned by the City that may be disturbed or damaged in the construction of the said lines shall be promptly replaced and repaired by the said company at its own expense and to the satisfaction of the said City Engineer.

5. Said company shall be subject to all ordinances now in force, or that may hereafter be passed relative to the public use of the streets, highways and other public ways of the said City of Fort Wayne, Indiana.

6. It is understood and agreed by and between the parties hereto that the said City of Fort Wayne shall have, free of cost, the use of sufficient space in one duct in any and all conduit or conduits, constructed or installed in the City of Fort Wayne by virtue of this agreement between the parties hereto, for the use of the fire alarm and police wires of the said City of Fort Wayne, Indiana.

7. It is further understood and agreed that the said company shall promptly, upon notice, relocate its wires, cables, conduits, appliances and appurtenances which may hereafter be constructed along, across and under the property owned by the said City of Fort Wayne adjacent to the St. Mary's River and Spy Run Avenue in the event such telephone property interferes with any plans which the said City of Fort Wayne has for its above described property.

8. Said company shall hold said City of Fort Wayne free and harmless from all damages, or claims for damages existing or hereafter arising.

NOTICE TO TAXPAYERS.

Public Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Allen County, Indiana, desiring to enter into a contract with the American Telephone and Telegraph Company of Indiana giving to said Corporation, its successors and assigns, the right to locate wires, conduits, manhole, cable, electrical conductors and other appliances and appurtenances along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, has determined at a meeting of said Board of Public Works held on the 27th day of June, 1940, upon the exact form on which proposed contract will be considered and adopted and has fixed a time and place for public bearing on the provisions thereof and any protest filed against the same or any provision thereof. The form of said proposed contract, together with the time and place of meeting thereon, is as follows, to-wit:

Contract.

This Agreement, Made and entered into this _____ day of _____, 1940, by and between the City of Fort Wayne, Indiana, by and through its Board of Public Works, party of the first part, and American Telephone and Telegraph Company of Indiana, a corporation of the State of Indiana, party of the second part.

Whereas, It is the desire of the party of the second part to construct and place under ground wires, cables and conduits in the streets, alleys, highways and other public property of the City of Fort Wayne, Indiana.

Now, Therefore, This Agreement Witnesseth:

1. That consent, permission and authority be and they are hereby granted unto American Telephone and Telegraph Company of Indiana, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, including such wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances as may be from time to time necessary for the convenient transaction of the business of said company. Further authority is hereby granted unto said company, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, under and across a parcel of land belonging to the City of Fort Wayne, Indiana, lying and being adjacent to the north side of the St. Mary's River and Spy Run Avenue for a distance of approximately 125 feet.

2. It is understood and agreed by and between the parties hereto that all locations of wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances must first receive the approval of the Board of Public Works of the City of Fort Wayne before work and installation is begun.

3. Said American Telephone and Telegraph Company of Indiana may exercise the rights herein granted by acquiring, occupying or using the conduits of any other company; and may permit any other company to acquire, occupy or use its conduits upon the terms and conditions, not inconsistent with the provisions of this agreement to be agreed upon by said companies.

4. All conduits, manholes, appliances and appurtenances shall be constructed under the direction and supervision of the City Engineer, and all streets, sidewalks and property owned by the City that may be disturbed or damaged in the construction of the said lines shall be promptly replaced and repaired by the said company at its own expense and to the satisfaction of the said City Engineer.

5. Said company shall be subject to all ordinances now in force, or that may hereafter be passed relative to the public use of the streets, highways and other public ways of the said City of Fort Wayne, Indiana.

6. It is understood and agreed by and between the parties hereto that the said City of Fort Wayne shall have, free of cost, the use of sufficient space in one duct in any and all conduit or conduits, constructed or installed in the City of Fort Wayne by virtue of this agreement between the parties hereto, for the use of the fire alarm and police wires of the said City of Fort Wayne, Indiana.

7. It is further understood and agreed that the said company shall promptly, upon notice, relocate its wires, cables, conduits, appliances and appurtenances which may hereafter be constructed along, across and under the property owned by the said City of Fort Wayne adjacent to the St. Mary's River and Spy Run Avenue in the event such telephone property interferes with any plans which the said City of Fort Wayne has for its above described property.

8. Said company shall hold said City of Fort Wayne free and harmless from all damages, or claims for damages arising by reason of the construction or negligent maintenance of said telephone and telegraph property.

9. Plans showing in detail the location of all conduits, manholes and cables constructed by virtue of this agreement shall be promptly filed with the City Engineer, and the Board of Public Works of the City of Fort Wayne.

In Witness Whereof, the undersigned members of the Board of Public Works of the City of Fort Wayne, Indiana, on behalf of said City have hereunto set their hands and seals, and the said American Telephone and Telegraph Company of Indiana has caused this instrument to be signed under its corporate name by its Vice-President and its corporate seal to be affixed thereto duly attested by its Assistant Secretary on the day and year first above written.

CITY OF FORT WAYNE, INDIANA.

By: _____

Board of Public Works.

Attest: _____

Secretary of Board of Works.

Approved as to form and legality,

AMERICAN TELEPHONE AND
TELEGRAPH COMPANY OF
INDIANA,

By: _____

Vice-President.

City Attorney.

Attest: _____

Assistant Secretary.

Public Notice is further given that said Board of Public Works did also fix the time at which said contract shall be finally considered as the 18th day of July, 1940, at the hour of 7:30 o'clock p.m., CDST, at the regular meeting place of said Board of Public Works in the City Hall, in said City of Fort Wayne, Indiana, at which time and place a public hearing will be held and at which any taxpayer may appear and file protest against any and all of the provisions of said contract.

ROBERT G. BEAMS,

DAVID LEWIS,

JOHN H. JOHNSON,

Board of Public Works,

City of Fort Wayne, Indiana.

Attest: Chas. F. Hess, Secretary.

NOTICE TO TAXPAYERS (LEGAL NOTICE)
AS APPEARING ON THE REVERSE **SIDE** OF
THIS SHEET WERE POSTED AT SPECIFIC
LOCATIONS AS FOLLOWS:

1. On the bulletin board at the east entrance of the Allen County Court House.
2. On the bulletin board just outside the Contoller's office at the City Hall.
3. On the bulletin board at the northerly end of the corridor in the United States Court House and Post Office.
4. On a City light and power pole at the southwest corner of State Street and Spy Run Avenue.
5. In Indiana Service Corporation pole No. 1918 located at the southeast corner of Anthony and Washington Boulevards.
6. On a city pole at the northeast corner of Creighton Avenue and Calhoun Street.
7. On Indiana Service Corporation railway pole at the southeast corner of South Wayne Avenue and Rudisill Boulevard.
8. On Indiana Service Corporation pole 3964 near the intersection of Wells Street and Huffman Street on the east side and just north of Huffman Street.
9. On Indiana Service Corporation railway pole on the south side of Main Street where the east line of Rumnion Avenue intersects the same.
10. On Indiana Service Corporation pole 2868 located at the southeast corner of Anthony Boulevard and Pontiac Street.

FORT WAYNE

DECLARATORY RESOLUTION NUMBER 724 - 1940

RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE, INDIANA, FIXING THE FORM OF CONTRACT WITH THE AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF INDIANA GIVING SAID CORPORATION THE RIGHT TO LOCATE WIRES, CONDUITS, MANHOLES, CABLES, ELECTRICAL CONDUCTORS AND OTHER APPLIANCES AND APPURTENANCES ALONG, ACROSS AND UNDER THE PUBLIC ROADS, STREETS, HIGHWAYS AND OTHER PUBLIC WAYS OF THE CITY OF FORT WAYNE, INDIANA.

WHEREAS, the AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF INDIANA and the BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE, Allen County, Indiana, desire to enter into a contract giving to said Corporation, its successors and assigns, the right to locate wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenance along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, and said Board of Public Works has determined the exact form in which said contract is to be finally adopted, which form is in words and figures as follows, to-wit:

C O N T R A C T

THIS AGREEMENT, Made and entered into this _____ day of _____, 1940, by and between the CITY OF FORT WAYNE, INDIANA, by and through its BOARD OF PUBLIC WORKS, party of the first part, and AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF INDIANA, a corporation of the State of Indiana, party of the second part.

WHEREAS, it is the desire of the party of the second part to construct and place underground wires, cables and conduits in the streets, alleys, highways and other public property of the City of Fort Wayne, Indiana.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

1. That consent, permission and authority be and they are hereby granted unto American Telephone and Telegraph Company of Indiana, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, across and under the public roads, streets, highways and other public ways of the City of Fort Wayne, Indiana, including such wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances as may be from time to time necessary for the convenient transaction of the business of said company. Further authority is hereby granted unto said company, its successors and assigns to construct, operate and maintain lines of telephone and telegraph along, under and across a parcel of land belonging to the City of Fort Wayne, Indiana, lying and being adjacent to the north side of the St. Mary's River and Spy Run Avenue for a distance of approximately 125 feet.

2. It is understood and agreed by and between the parties hereto that all locations of wires, conduits, manholes, cables, electrical conductors and other appliances and appurtenances must first receive the approval of the Board of Public Works of the City of Fort Wayne before work and installation is begun.

3. Said American Telephone and Telegraph Company of Indiana may exercise the rights herein granted by acquiring, occupying or using the conduits of any other company; and may permit any other company to acquire, occupy or use its conduits upon the terms and conditions, not inconsistent with the provisions of this agreement to be agreed upon by said companies.

4. All conduits, manholes, appliances and appurtenances shall be constructed under the direction and supervision of the City Engineer, and all streets, sidewalks and property owned by the City that may be disturbed or damaged in the construction of the said lines shall be promptly replaced and repaired by the said company at its own expense and to the satisfaction of the said City Engineer.

5. Said company shall be subject to all ordinances now in force, or that may hereafter be passed relative to the public use of the streets, highways and other public ways of the said City of Fort Wayne, Indiana.

6. It is understood and agreed by and between the parties hereto that the said City of Fort Wayne shall have, free of cost, the use of sufficient space in one duct in any and all conduit or conduits, constructed or installed in the City of Fort Wayne by virtue of this agreement between the parties hereto, for the use of the fire alarm and police wires of the said City of Fort Wayne, Indiana.

7. It is further understood and agreed that the said company shall promptly, upon notice, re-locate its wires, cables, conduits, appliances and appurtenances which may hereafter be constructed along, across and under the property owned by the said City of Fort Wayne adjacent to the St. Mary's River and Spy Run Avenue in the event such telephone property interferes with any plans which the said City of Fort Wayne has for its above described property.

8. Said Company shall hold said City of Fort Wayne free and harmless from all damages, or claims for damages arising by reason of the construction or negligent maintenance of said telephone and telegraph property.

9. Plans showing in detail the location of all conduits, manholes and cables constructed by virtue of this agreement shall be promptly filed with the City Engineer, and the Board of Public Works of the City of Fort Wayne.

IN WITNESS WHEREOF, the undersigned members of the Board of Public Works of the City of Fort Wayne, Indiana, on behalf of said city have hereunto set their hands and seals, and the said American Telephone and Telegraph Company of Indiana has caused this instrument to be signed under its corporate name by its Vice-President and its corporate seal to be affixed thereto duly attested by its Assistant Secretary on the day and year first above written.

ATTEST:

Secretary of Board of Works

Approved as to form and legality

City Attorney

ATTEST:

Assistant Secretary

CITY OF FORT WAYNE, INDIANA

BY: _____

Board of Public Works

AMERICAN TELEPHONE AND TELEGRAPH
COMPANY OF INDIANA

BY _____

Vice-President

NOW, THEREFORE, BE IT RESOLVED that pursuant to the Statutes of Indiana in such case made and provided, said Board of Public Works does now fix the time at which said contract shall be finally considered as the 18th day of July, 1940, at the hour of 7:30 o'clock P. M., Daylight Saving Time, at the regular meeting place of said Board of Public Works in the City Hall in said City of Fort Wayne, at which time and place a public hearing shall be had and any taxpayer in said city may appear and file protest against any and all of the provisions of said contract.

BE IT FURTHER RESOLVED that American Telephone and Telegraph Company of Indiana shall, at its own expense, cause the full and complete text of said contract to be published as required by law with notice of the time and place of said hearing in Fort Wayne News-Sentinel and Fort Wayne Journal-Gazette, being two daily newspapers of general circulation, printed in the English language, in said Allen County, Indiana. Said American Telephone and Telegraph Company of Indiana shall likewise post copies of said contract and notice of the time and place of said hearing in ten public places in said City of Fort Wayne.

ADOPTED this 27th day of June, 1940.

ATTEST:

Chas. F. Kern
Secretary

David Lewis
W. H. Johnson
Board of Public Works of the City
of Fort Wayne

IN THE MATTER OF THE APPLICATION
OF AMERICAN TELEPHONE AND TELE-
GRAPH COMPANY OF INDIANA, FOR A
CONTRACT RESPECTING A FRANCHISE
TO CONSTRUCT AND PLACE WIRES,
CONDUITS, MANHOLES, CABLES,
ELECTRICAL CONDUCTORS AND OTHER
APPLIANCES AND APPURTENANCES
ALONG, UNDER AND ACROSS THE
PUBLIC ROADS, STREETS, HIGHWAYS AND
OTHER PUBLIC WAYS OF THE CITY OF
FORT WAYNE, INDIANA.

To the Board of Public Works of the City of Fort Wayne, Indiana:

The American Telephone and Telegraph Company of Indiana,
a corporation of the State of Indiana, respectfully shows that the
applicant desires and intends to construct and place wires, conduits,
manholes, cables, electrical conductors and other appliances and
appurtenances along, across and under the public roads, streets, high-
ways and other public ways of the City of Fort Wayne, Indiana; and said
applicant submits herewith a proposed form of contract respecting the
installation of said wires, conduits, manholes, cables, electrical
conductors and other appliances and appurtenances, together with a form
of notice and resolution relating thereto, all as will more particularly
appear from the copy of said notice, resolution, contract and ordinance
submitted concurrently herewith, and by reference made a part of this
application.

WHEREFORE, applicant prays that said contract be duly considered,
approved and adopted in the manner and form herewith submitted.

AMERICAN TELEPHONE AND TELEGRAPH COMPANY
OF INDIANA

BY:

Grant L. Wiley
Attorney

CITY OF FORT WAYNE
INTER-OFFICE COMMUNICATION

DATE June 21, 1940

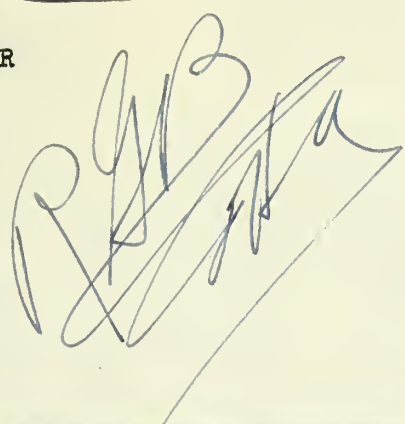
TO Mr. O. H. Adams, General Superintendent
SUBJECT

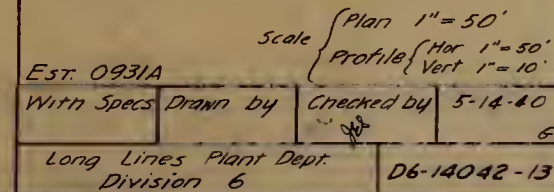
The proposed construction, indicated on the attached drawing, will not interfere with any of the property of the City Utilities.

WKehoe.K



CHIEF ENGINEER





NOTICE TO TAXPAYERS (LEGAL NOTICE) AS APPEARING
ON THE REV RSE SIDE OF THIS SHEET WERE POSTED AT
SPECIFIC LOCATIONS AS FOLLOWS.

- ✓ 1. On the bulletin board at the east entrance of the Allen County Court House.
 - ✓ 2. On the bulletin board just outside the Controller's office at the City Hall.
 - ✓ 3. On the bulletin board at the northerly end of the corridor in the United States Court House and Post Office.
 - ✓ 4. On a City light and power pole at the southwest corner of State Street and Spy Run Avenue.
 - ✓ 5. On Indiana Service Corporation pole No. 1918 located at the southeast corner of Anthony and Washington Boulevard.
 - ✓ 6. On a City pole at the northeast corner of Creighton Avenue and Calhoun Street.
 - ✓ 7. On Indiana Service Corporation railway pole at the southeast corner of South Wayne Avenue and Rudisill Boulevard.
 - ✓ 8. On Indiana Service Corporation pole 3964 near the intersection of Wells and Huffman Streets on the east side and just North of Huffman Street.
 - ✓ 9. On Indiana Service Corporation railway pole on the south side of Main Street where the east line of Runnion Avenue intersects the same.
 - ✓ 10. On Indiana Service Corporation pole 2869 located at the southeast corner of Anthony Boulevard and Pontiac Street.
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